

REMARKS

This amendment is in response to the outstanding Official Action mailed November 21, 2002, the shortened statutory period for filing a response having expired on February 21, 2003. In this regard, Applicant submits herewith a Three-Month Extension Petition to reset the deadline for responding to the Official Action to and including May 21, 2003. In view of the below remarks, reconsideration of the Examiner's rejection is respectfully requested.

The present application includes claims 1-36, of which claims 1, 17, 24 and 33 have been presented in independent form. It is initially noted that the Examiner has designated claims 17-23 and 33-36 as being allowed, claims 3-5, 7-12, 14, 15, 27 and 29-33 being merely objected to. As to the remaining claims, the Examiner has rejected same under 35 U.S.C. § 102(b) as being anticipated by *Oddsen*, WIPO 00/25640 in view of *Whitlow*, United States Patent No. 2,756,954. The Examiner states that *Oddsen* discloses the basic construction of a mounting bracket but for Applicant's claimed pins. To this end, the Examiner refers to *Whitlow* as teaching the use of pins 12. The Examiner contends that it would be obvious to one having ordinary skill in the art to have modified *Oddsen* to include pins for the purpose of holding and aligning the first member to the second member to facilitate attachment. It will be shown that the Examiner has misinterpreted the teachings of *Whitlow*, and accordingly, the rejection must be withdrawn.

The Examiner specifically states that *Whitlow* discloses the use of pins 12, see Fig. 2. However, element 12 of *Whitlow* is actually in the nature of a rivet (see enlarged heads) which extends through aligned openings in mounting plate 10 and upper plate 11. The rivet 12 is operative for permanently attaching the two plates together whereby the upper

plate may be rotated about the rivet. See Col. 2, lns. 15-17 and 65-68. This teaching of *Whitlow* is contrary to Applicant's claimed invention wherein the pin prevents the second member from twisting relative to the first member. Thus, the rivet of *Whitlow* is expressly provided to allow turning between the plates, while the pin of Applicant's claimed invention is expressly to prevent twisting of the second member relative to the first member. Accordingly, *Whitlow* actually teaches away from Applicant's claimed invention.

For example, independent claim 1 is generic to the embodiments disclosed in Figs. 20, 21, 29 and 30. Specifically, in the embodiment of Figs. 29 and 30, at least one opening 482 is provided in flange 402 for receiving a pin 480 extending from flange 420. As a result of the shape of the opening and pin, the two members are prevented from twisting. In the second embodiment as shown in Figs. 20 and 21, a pair of openings 410, which may be circular, are provided in flange 402. A pair of corresponding pins 426 are provided extending from flange 420. Both of these embodiments are encompassed by generic claim 1, the construction of which prevents twisting of the first member relative to the second member. This is expressly contrary to the teachings and any suggestions disclosed in *Whitlow*. Accordingly, the Examiner's rejection is considered traverse and should therefore be withdrawn.

The Examiner has objected to the disclosure stating that reference character 24 has been used to designate both walls and a receptacle, while reference characters 26 and 28 have both been used to designate a bottom hole. Applicant has reviewed pages 9 and 10 of the specification and has been unable to confirm the Examiner's objection. In this regard, as set forth on pages 9 and 10, character 22 refers to walls, character 24 to a receptacle, character 26 to a bottom and character 28 to

a hole. If the Examiner is aware of any inconsistency, Applicant requests that the Examiner specify further so that appropriate corrections can be effected.

The Examiner has raised a provisional rejection of the claims under the judicially created doctrine of obviousness-type double patenting over claims 36-46 of Applicant's co-pending Application Serial No. 09/406,531 in view of Whitlow. In this regard, the Examiner once again refers to Whitlow as teaching rivets 21. For those reasons noted herein above, Whitlow does not render Applicant's claimed invention obvious. Accordingly, the Examiner's rejection on the judicially created doctrine of obviousness-type double patenting is considered traverse and should therefore be withdrawn.

In responding to this Amendment, it is requested that the Examiner acknowledge and make of reference the prior art cited in Applicant's Supplemental Information Disclosure Statement submitted on December 12, 2002.

In considering Applicant's within response, Applicant designates the rejected dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney

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at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 14, 2003

Respectfully submitted,

By

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